

# LARIMER COUNTY PLANNING COMMISSION

## Minutes of June 24, 2020

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The Larimer County Planning Commission met in a special session on Wednesday, June 24, 2020, at 6:00 p.m. in the Hearing Room as well as virtual video. Commissioners Dougherty, Wallace, Jensen, Miller, and Stasiewicz physically attended with Commissioner Dougherty presiding as Chairman. Commissioner, Barnett, Johnson, and Choate attended virtually. The Larimer County staff that physically attended were Lesli Ellis, Community Development Director; Don Threewitt, Planning Manager; Rob Helmick, Senior Planner; Daylan Figgs, Natural Resource Director, Steven Rothwell, Civil Engineer II; Mark Peterson, County Engineer; Ken Brink, DNR Program Manager and Frank Haug, Assistant County Attorney II. Larimer County staff that attended virtually were Laurie Kadrich, CIPR Director; Lea Schneider, Environmental Health Planner, and Matt Lafferty, Principal Planner.

### **COMMENTS BY THE PUBLIC REGARDING THE COUNTY LAND USE CODE:**

None

### **COMMENTS BY THE PUBLIC REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA:**

None

### **AMENDMENTS TO THE AGENDA:**

None

### **PLANNING COMMISSION COMMENTS:**

Chairman Dougherty gave thanks and gratitude from the Planning Commission to Commissioner Wendy True. Commissioner True will complete her Planning Commission term on June 30, 2020.

Commissioner Johnson, Choate, and Dougherty recused themselves from the Northern Integrated Supply Project case due to possible conflicts of interest.

Commissioner Wallace continued the hearing as acting chair.

### **DISCUSSION ITEMS:**

#### **ITEM #1 – NORTHERN INTEGRATED SUPPLY PROJECT, FILE #20-ZONE2657:**

Mr. Threewitt stated the application was submitted on February 21, 2020. Staff determined the application complete on March 18, 2020 and notified the applicant by a letter. Tonight's hearing will be presentations by staff and applicant only and public testimony will be on July 8, 2020, with deliberation, recommendation, and motion to follow.

Mr. Threewitt, Mr. Helmick, Mr. Figgs, Mr. Rothwell, Ms. Schneider, and Ms. Ellis gave a presentation for the Northern Integrated Supply Project (NISP). The presentation included the following:

1. Introduction of 1041 regulations and Process (Mr. Threewitt)
2. Overview of application and history (Mr. Helmick)

3. Referral agency and public comments (Mr. Helmick)
4. Recreation component (Mr. Figgs)
5. Review criteria and analysis (Mr. Threewitt)
6. Construction impacts (Mr. Rothwell)
7. Health and safety impacts (Ms. Schneider)
8. Overall findings and staff recommendation (Mr. Threewitt)
9. Conditions of approval (Ms. Ellis)

### **Introduction of 1041 regulations and Process (Mr. Threewitt)**

Mr. Threewitt presented the following topics: Chapter 14 of the Larimer County Use Code purpose and applicability; and Chapter 14 of the Larimer County Land Use Code 14.10A, 14.10B, 14.10C, and 14.10D.

### **Overview of application and history (Mr. Helmick)**

Mr. Helmick presented the following topics: Application submitted (February 21, 2020); Determined complete (March 18, 2020); Internal analysis, agency referrals, and public comment period (March 18, 2020 – June 24, 2020); notice provided; Planning Commission Hearing (June/July 2020); and Board of County Commission Hearing (August 2020)

Mr. Helmick stated NISP Water Activity Enterprise 1041 permit application request the following: Reservoir and Conveyances.

The Glad Reservoir is 10 miles northwest of Fort Collins, and just north of the intersection of US 287 and SH 14. It would be five miles long, 250 feet deep, and would have the capacity to store 170,000 acre-feet of water. The surface area at full capacity will be approximately 1,000 acres (2.5 square miles). The dam's height would be 275 feet and would include a spillway structure, low level inlet/outlet works, and a multi-level inlet/outlet tower. A reconstructed diversion for the Poudre Valley canal that will take the water to a forebay reservoir which can store up to 2,000 acre-feet, from which water will be pumped by 40,000 horsepower pumps.

Mr. Helmick stated the applicant's request is for a water storage reservoir and associated facilities and pipelines for the conveyance of water diverted from the Poudre River to Front Range participants in the project. The water delivery from the proposed project will serve 15 participants, which include the Fort Collins Loveland water district.

The four pipeline segments include the following: Northern Tier = 17 miles, Glade/Poudre Release = 1.3 miles, Poudre River intake = 7.0 miles, and County Line = 10.2 miles.

### **Referral agency and public comments (Mr. Helmick)**

Mr. Helmick mentioned the project history and permitting for the associated documents and the County's role, permits, and approvals (pending or required). Over 30 agencies were referred, and the internal agencies included: County Engineering, Road & Bridge, Environmental Health, and Department of Natural Resources. Notice was sent to over 1,200 property owners within 500-feet of pipelines and a half mile of the reservoir site.

### **Recreation component (Mr. Figgs)**

Mr. Figgs gave a brief explanation regarding the comments made by the Department of Natural Resources (DNR). He then discussed the recreation review of the 2017 Reservoir Parks Master Plan that included six-questions for the recreation proposal, what the recreational proposal includes comments made, and the funding.

### **Review Criteria and analysis (Mr. Threewitt)**

Mr. Threewitt presented an overview of the 12 review criteria in Larimer County Land Use Code Section 14.10.D and presented staff findings on Criterion 1- Plan Conformity and Criterion 2 – Alternatives as detailed in the staff report.

### **Construction impacts (Mr. Rothwell)**

Mr. Rothwell presented the following analysis and findings: Conveyance Line, Alternative Analysis, Example Alignment Evaluation, Northern Preferred Alignments, and Criterion 9.

**Review Criteria and analysis continued (Mr. Threewitt)**

Mr. Threewitt presented the following topics: Criterion 3 - County Standards and Criterion 4 - Natural Resources Impacts, finding that the application met the criteria.

**Health and safety impacts (Ms. Schneider)**

Ms. Schneider presented the following topics: Criterion 6, air quality, noise, and drinking water also finding that the application met the criteria.

**Review Criteria and analysis continued (Mr. Threewitt)**

Mr. Threewitt presented the following topics: Criterion 7 - Hazards Risk; Criterion 8 - Adequate Public Facilities; Criterion 10 - Cost/Benefit Resources and AG Land; Criterion 11 - Balanced Mitigation; and Criterion 12 - Staff and agency recommendations and Board of County Commission Findings.

**Overall findings and staff recommendation (Mr. Threewitt)**

Mr. Threewitt presented the overall findings of meeting the 12 criteria in the 1041 regulations, staff recommendation in favor of recommending approval, and explained the role of the Planning Commissioners.

**Conditions of approval (Ms. Ellis)**

Ms. Ellis explained the project-wide and other conditions of approval recommended by staff for the reservoir, recreation facility, and pipelines.

**Planning Commission Questions for Staff**

Commissioner Jensen asked if the Glade Reservoir and Chimney Hollow will meet the demands of service and how long?

Mr. Figgs replied yes, and it is from now until 2040.

Commissioner Jensen asked if 25% of the funding could through grants or seek other options for funding?

Mr. Figgs confirmed there are ways to fund the remaining 25% of funding through grants, third parties, etc.

Commissioner Jensen asked for more information regarding the function, how the department is funded, and will the department be able to maintain it.

Mr. Figgs explained DNR is funded through the following: Open space tax - land conservations, and open land properties; Reservoir Parks - user fees, day passes, boat passes, camping fees, etc.

Mr. Figgs also stated that DNR is primarily funded through revenue and lottery funds. Glade Reservoir would need to support itself through revenue.

Chairwoman Wallace asked who would be responsible for the remaining 25% of the funding?

Mr. Figgs explained the portion of the funding should be NISP.

Chairwoman Wallace asked how the funding percentage was determined?

Mr. Figgs stated the percentage was determined when the project was first proposed as an Intergovernmental Agreement (IGA) and is based on how the percentage determinations are normally used with grant contract. The percentage determination could be discussed if needed.

Chairwoman Wallace mentioned her thought that NISP is giving the County more burdens than benefits.

Mr. Figgs stated it is a proposal and believes the Planning Commission can suggest otherwise.

Commissioner Jensen asked if flushing flows for fishery have been discussed by staff and who will be managing the river?

Mr. Figgs stated the fishery within the reservoir will be managed by Colorado Parks and Wildlife. Management of the river will be managed by an adaptive management plan.

Chairwoman Wallace wanted clarification on how the water will get back into the river from Glacier Reservoir.

Mr. Figgs explained the two ways to get the water back into the river, high flow, and low flow.

Chairwoman Wallace asked for clarification regarding NISP statement within the application that if the reservoir is not built, a loss of 40,000 acres of farmland. Did the County review the statement?

Mr. Helmick stated the Army Corps completed an analysis that is included in the final EIS along with other options.

Chairwoman Wallace asked if there was an analysis completed to determine how much farmland will be out of production?

Mr. Helmick stated they will investigate the conclusion of the analysis completed and address it during next week's hearing.

Commissioner Miller asked who owns the water, when was it purchased, how is it being accessed, where is the water coming from, how often will it need to be filled, and how long will it take to fill.

Mr. Helmick stated that NISP will address the question within their presentation.

Commissioner Jensen asked if CDOT's 287 realignment will be presented to the Planning Commission as an L&E?

Mr. Rothwell confirmed it is his understanding.

Commissioner Jensen had a concern regarding the rock-cut area of the realignment area and the impact it will have. He also wanted to know the elevation.

Mr. Peterson stated that the maximum depth is over 200 feet and the bottom width would be 80 feet. The side depends on the rock cut's formation.

Commissioner Jensen asked if the impact of Owl Canyon Road has been viewed during the construction and if/when 287 will be realigned?

Mr. Peterson stated it has not been viewed yet.

- **BREAK STARTED - 7:45**

- **BREAK ENDED - 7:55**

Commissioner Barnett asked for more information regarding the Mitigation Plan and further down the river.

Mr. Figgs stated that Northern could explain more in-depth.

Commissioner Barnett asked if the decision regarding alignment to the east of the hogback is decided?

Mr. Peterson stated that CDOT will not be moving further with that.

### **Applicant Presentation for Northern Water**

Brad Wind gave an introduction and a brief overview of the Northern Integrated Supply Project.

### **Project Overview and History (Stephanie Cecil - Water Engineer explained)**

Ms. Cecil presented the following topics: What is NISP? What is Water Secure? Environmental, Peak Flow Operation Program, Permitting History, and 1041 Areas and Activities of State Interest.

### **Public Engagement (Christie Coleman)**

Ms. Coleman presented the following topics: Overview - Inform and Engage: public outreach summary, online outreach, NISPTalk.com, direct mailing, multiple approaches to outreach, open house, and other outreach options

### **Conveyance and Pipelines (Stephanie Cecil)**

Ms. Cecil Presented The Following Topics: Conveyance Requirements - Poudre Flow: 18-25 CFS Year-Round, Increase Net Flow in The Poudre River Through Fort Collins; Healthy Poudre River: Northern Water is a member, Poudre Flow Analysis, Northern Water Experience, Easement Cross-Section, Easement/Right Of Way, Routing Criteria, Routing Analysis, Preferred Alignment, Local Coordination, Eagle Lake Subdivision; Easement Procedures, and Reclamation.

### **Recreation Commitments (Christie Coleman)**

Ms. Coleman presented the following topics: NISP Voluntary Commitments; Master Plan Agreements; Recreation Partnerships; Recreation Concept Master Plan; and Major recreation components, Visitor Center, fishing, boating ramp and boating, boat ramp and boating, camping, trails, trails system, fire management, Recreation Concept Master Plan; benefits to Larimer County; and Consistency with Larimer County's Master Plan.

### **1041 Criteria Adherence (Peggy Montañó)**

Ms. Montano presented the following topics: Larimer County Participation; Criteria 1 – The proposal is consistent with the Larimer County Comprehensive Plan Master Plan; Criteria 2 – The applicant has presented reasonable siting and design alternatives or explained why no reasonable alternatives are available; Criteria 3 – The proposal conforms with adopted Larimer County standards, review criteria and mitigation requirements concerning environmental impacts; Criteria 4 – The proposal will not have a significant adverse effect on or will adequately mitigate significant adverse effects on the land or its natural resources, on which the proposal is situated and on lands adjacent to the proposal; Criteria 5 – The proposal will not adversely affect any sites and structures listed on the State or National Registers of Historic Places; Criteria 6 – The proposal will not negatively impact public health and safety; Criteria 7 – The proposal will not be subject to significant risk from natural hazards including floods, wildfire or geologic hazards; Criteria 8 – Adequate public facilities and services are available for the proposal or will be provided by the applicant, and the proposal will not have a significant adverse effect on the capability of local governmental to provide services or exceed the capacity of service delivery systems; Criteria 9 – The applicant will mitigate any construction impacts to county roads, bridges and related facilities. Construction access will be regraded and revegetated to minimize environmental impacts; Criteria 10 – The benefits of the proposed development outweigh the losses of any natural resources or reduction of productivity of agricultural land as a result of the proposed development; Criteria 11 – The proposal demonstrates a reasonable balance between the costs to the applicant to mitigate significant adverse effects and the benefits achieved by such mitigation; and conditions.

### **Planning Commission Questions for the Applicant**

Commissioner Jensen asked to address the concern regarding other partners, project yielding over time.

Carl Brouwer stated there are conservation plans on record and more information can be addressed during the rebuttal hearing, and they do not have any plans to increase the yield.

Commissioner Jensen asked how the dust will be controlled?

Mr. Brouwer stated the ground is a clay material, but the applicant could complete studies if needed.

Commissioner Jensen asked for more information regarding the geologic faults, and mitigations.

Jennifer Williams stated the faults are geologically ancient faults, which are millions of years old with no sign of activity. They have been mapped, and those maps informed for the applicant's field investigations. They have also created a 3D model that will help with seepage and informing conditions downstream of the dam and have installed wells for monitoring.

Commissioner Jensen asked if the Poudre River is or is not affected.

Mr. Brouwer stated the Poudre River was designated as a Wild and Scenic river up to Poudre Park, and the last six miles were originally intended for a potential a reservoir site known as Grey Mountain reservoir.

Commissioner Jensen asked if the building of the channel will guarantee never building a dam on the Poudre River?

Mr. Bouwer stated the Grey Mountain water right decree will be removed and put to use at Glade, they do not have any plans place an on-channel dam but cannot speak for other parties in the future.

Commissioner Jensen asked if the filling of the reservoir will need to take place before recreational activity?

Mr. Brouwer stated it does not need to be filled before recreational activity.

Commissioner Jensen asked if the parking lot will be a convenient place for a park and ride option?

Mr. Brouwer stated it has been discussed and is in the plans for the project.

Commissioner Jensen asked why the process is a 25-year agreement for recreation and not a 45 or 50-year agreement?

Mr. Brouwer stated it is what they had started but would be willing to extend the agreement.

Chairwoman Wallace asked if the cities will be paying for the construction through revenue bonds or will continue to pay as construction is being completed.

Mr. Bouwer stated the construction will be paid through bonds and joint financing during construction.

Chairwoman Wallace asked how the number of acres of agriculture that would be saved was determined?

Mr. Bouwer stated an analysis was completed independently by the Army Corps of Engineers and their third-party contractors. Northern also completed an analysis that was concluded with similar acreage.

Chairwoman Wallace asked if there was consideration given to the amount of expansion the cities will have to do in order to pay for the revenue bonds? It will take a certain amount of agricultural land out of production for this growth.

Mr. Bouwer stated there would be some amount but does not have the amount at this time.

Chairwoman Wallace asked if there is an agreement amongst the participants that they will not expand.

Mr. Bouwer stated it is an individual Land Use issue and he is not able to answer that.

Chairwoman Wallace asked if there is a plan in place if there is a 10-year drought?

Mr. Bouwer stated there would be restrictions in place.

Chairwoman Wallace asked for clarification regarding Water Secure and how will it help irrigated agriculture?

Greg Dewy stated it to make sure the agriculture has enough water for all the crops and the County. They would compensate the residents that will be affected during the construction, introduce a new water supply for ditch companies to use in exchange an amount of water from the Poudre into Glade Reservoir.

Chairwoman Wallace asked if there is a way to mitigate the water quality?

Mr. Dewy stated the water quality will be different but of the same quality.

Commissioner Miller wanted confirmation that the reservoir will store high water run off that Colorado would have passed on to other states.

Mr. Dewey stated they can store the water due to flood rights. If the rights are not used for this project other parties that are next in line with the water right could potentially store the water for their use.

Commissioner Jensen asked why the water could not be directed to Windsor to accomplish the same outcome of the project? How will you address storm water?

Ms. Cecil stated they completed a study to determine where and how much water to take out of the river and explained the concerns.

Chairwoman Wallace asked if there are any plans in the future between Larimer County and Northern Water with Glade Reservoir that will be similar to the Open Space Program?

Mr. Wind confirmed there will be a similar program.

Commissioner Jensen asked if there are any plans that can allow hydroelectric power for the future?

Mr. Brouwer stated the pump will be powered by hydroelectric. The water could be reversed through the pumps to create more energy.

Commissioner Barnett asked how far down stream could the discharged flow and could it be extended?

Mr. Bouwer explained concerns regarding other Water Plant run-offs, storm water run-off, and ground water run-offs.

**RECESSED:**

With there being no further business, the hearing recessed at 9:55 p.m. and was continued to July 8, 2020.

These minutes constitute the Resolution of the Larimer County Planning Commission for the recommendations contained herein which are hereby certified to the Larimer County Board of Commissioners.

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Nancy Wallace, Acting Chair

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Jeff Jensen, Acting Secretary